

**ORIGINAL**

**FILED**

IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ JAN 27 2010 ★

Docket No.:

LONG ISLAND OFFICE

**NOTICE OF REMOVAL**

**CV - 10 0335**

**MATSUMOTO, J.**

Defendant.

-X

CHASE BANK,

-against-

ABRAHAM KAHAN,

Plaintiff,

-----X

CHASE BANK,

Defendant.

-X

**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF NEW YORK:**

**MANN, M.**

Defendant Chase Bank USA, N.A. s/h/a Chase Bank ("Petitioner"), by its attorneys, Stagg, Terenzi, Confusione & Wabnik, LLP, upon information and belief, respectfully petitions the Court, pursuant to 28 U.S.C. § 1441, as follows:

1. On or about January 5, 2010, the above-captioned civil action was commenced and is now pending in the Civil Court of the City of New York, County of Kings. A trial has not yet been had therein. A copy of the Summons and Endorsed Complaint is annexed as Exhibit "A" (the "Complaint"). Petitioner has not yet served an Answer to plaintiff's Complaint.

2. The Complaint seeks, *inter alia*, damages for injuries allegedly arising from defendant's reporting of plaintiff's credit limit to credit reporting agencies.

3. This Court has original jurisdiction over the above entitled action pursuant to 28 U.S.C. § 1331 as this matter involves federal questions under the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq. See Exhibit "A"; see also letter dated January 26, 2010 annexed as Exhibit "B".

4. This Notice of Removal is being filed within thirty (30) days after receipt by Petitioner of plaintiff's Complaint.

5. Written notice of the filing of this Notice of Removal will be given to plaintiff promptly after the filing of this Notice.

6. A true and correct copy of this Notice of Removal will be filed with the Clerk of the Court of the Civil Court of the City of New York, County of Kings, promptly after the filing of this Notice.

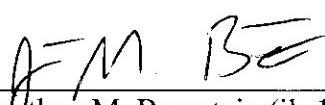
7. Attached to this Notice, and by reference made a part hereof, are true and correct copies of all process and pleadings filed herein.

8. By filing this Notice of Removal, Petitioner does not waive any defense which may be available to it, specifically including, but not limited to, its right to contest *in personam* jurisdiction over Petitioner, improper service of process and the absence of venue in this Court or the Court from which this action has been removed.

**WHEREFORE**, Petitioner prays that the above-captioned action now pending in the Civil Court in the City of New York, County of Kings, be removed therefrom to this Court.

Dated: Garden City, New York  
January 25, 2010

Yours, etc.,  
Stagg, Terenzi, Confusione & Wabnik, LLP

BY:   
Jonathan M. Bernstein (jb-1033)

Attorneys for Defendant  
Chase Bank USA, N.A.,  
s/h/a Chase Bank

**Office & P.O. Address:**  
401 Franklin Avenue, Suite 300  
Garden City, New York 11530  
(516) 812-4500

TO: Abraham Kahan  
Plaintiff *Pro Se*  
50 Division Ave. #3E  
Brooklyn, New York 11211



405860

**Civil Court of the City of New York  
County of Kings**

Index Number: CV-000331-10/KI

Abraham Kahan

Plaintiff(s)

-against-

Chase Bank

Defendant(s)

**SUMMONS WITH ENDORSED  
COMPLAINT**

**BASIS OF VENUE:**

Where Cause of Action Arose

Plaintiff's Address (s):  
Abraham Kahan50 Division Ave. #3E  
Brooklyn, NY 11211-

To the named defendant (s)

Chase Bank (Deft), at 225 Havermeyer St., Brooklyn, NY 11211-

**YOU ARE HEREBY SUMMONED** to appear in the Civil Court of the City of New York, County of Kings at the office of the Clerk of the said Court at 141 Livingston Street in the County of Kings, City and State of New York, within the time provided by law as noted below and to file your answer to the (endorsed summons) (annexed complaint) \* with the Clerk; upon your failure to answer, judgment will be taken against you for the total sum of \$13,000.00 and interest as detailed below. Plaintiff's work sheet may be attached for additional information if deemed necessary by the clerk.

Date: January 5, 2010

Jack Baer

Chief Clerk, Civil Court

**ENDORSED COMPLAINT**

The nature and the substance of the plaintiff's cause of action is as follows: Credit card fraud for \$13,000.00 with interest from 08/29/2009

**\*NOTE TO THE DEFENDANT**

- A) If the summons is served by its delivery to you personally within the City of New York, you must appear and answer within TWENTY days after such service; or
- B) If the summons is served by delivery to any person other than you personally, or is served outside the City of New York, or by publication, or by any means other than personal delivery to you within the City of New York, you are allowed THIRTY days after the proof of service thereof is filed with the Clerk of this Court within which to appear and answer.
- C) Following CPLR 321(a) corporations must be represented by an attorney.

**\* NOTE TO THE SERVER OF THE SUMMONS**

The person who serves the summons should complete the Affidavit of Service and shall file it in the Clerk's Office in the county where the action is brought.

**PLAINTIFF'S CERTIFICATION**  
(See 22NYCRR, Section 130-1.1a)

SIGN NAME: Abraham Kahan  
PRINT NAME: Abraham Kahan

For Information, answer forms and to track court dates go to [WWW.NYCOURTS.GOV/NYCCIVIL](http://WWW.NYCOURTS.GOV/NYCCIVIL)  
Legal Papers Served  
(New York)

JAN 07 2010

Inter-office Mail       Certified Mail  
 Federal Express       Hand Delivery  
 Fax       U.S. Mail       Email  
Reviewed by: 305 P/M

A.JAC



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\*Also Admitted NJ  
ΔAlso Admitted CT  
◊Also Admitted DC  
◊Also Admitted FL  
◊Also Admitted Ontario

January 26, 2010

Abraham Kahan  
50 Division Ave. #3E  
Brooklyn, NY 11211

Re: Abraham Kahan v. Chase Bank  
Index No.: CV-000331-10/KI

Mr. Kahan,

This will confirm our conversations on Thursday, January 21, 2010 and Monday January 25, 2010, during which you stated your Complaint for the above-captioned matter is based on your allegation that Chase Bank USA, N.A. ("Chase") improperly reported debt from your Chase Visa card ending in 4749 to credit reporting agencies. If this is not the basis of your claim, please contact me at (516) 812-4500 so that we may discuss your case further.

Very truly yours,

  
Jonathan M. Bernstein